

**REMARKS**

This Amendment is in response to the Final Office action mailed on January 4, 2005. Claims 1-21 are pending.

In the Final Office action, the Examiner rejected claims 1-10 and 16-18 under 35 U.S.C. §103 for alleged unpatentability over Lay '158 in view of Oka, U.S. Patent No. 5,448,741. Applicant has the following comments.

**Regarding claim 7 and depending claims 9 and 18,** Applicant claims that a boot image is read out of a boot image storing device and moved to and stored in a main memory when the computer is powered down. In the Final Office action, the Examiner states that Lay teaches the transferring of a boot image from one location to another, and that Oka teaches the power limitations and features. The Examiner then justifies the claim rejection by saying that Lay and Oka are combinable to reach Applicant's claims. Applicant disagrees.

Applicant submits that there is no teaching in Lay or Oka or the combination thereof that the transferring of the boot image occurs when the power to the computer is powered down. Applicant submits that just because Oka has a battery backup does not infer anywhere that a boot image is moved from one location to another when the power

to the computer is powered down. The prior art, either singly or in combination does not teach or fairly suggest this movement of the boot image from a boot image storing device to a main memory when the power to the computer is down. For this reason, the rejection of claims 7, 9 and 18 should be withdrawn.

Even though Oka discloses a battery backup, Applicant submits that there is no teaching in either Lay or Oka that the battery backup is to be used in conjunction with a memory that stores a boot image. In claim 7, Applicant stores a boot image into a main memory and then supplies an auxiliary power to the main memory that contains the boot image. There is no teaching of an auxiliary power source powering a memory that stores a boot image in the prior art. For this reason again, Applicant submits that the applied prior art fails to teach Applicant's claim 7 and its depending claims.

**Regarding claim 1**, Applicant claims, "a main memory for storing the boot image from the boot image storing device by receiving the auxiliary power when the main power is shut off". In the Final Office action, the Examiner states that column 3, lines 23-27 of Oka teaches this feature. Applicant disagrees. Applicant submits that Oka teaches a RAM that could be used to boot and also happens to have a backup power supply. However, Oka fails to teach that this backup is necessarily used when the memory contains the boot image. In claim 1, Applicant is claiming that the main memory stores the boot image when under auxiliary power as the boot image is stored in the main

memory by receiving auxiliary power. There is no such teaching in Oka that the RAM is powered by backup when the boot image is being saved within the RAM. Oka fails to contemplate having the boot image in the main memory when the main power is down and the auxiliary power is powering the memory. This lack of a link between the use of the backup power and the storage of the boot image is one reason why the applied prior art fails to teach or suggest claim 1.

**Regarding claims 1, 10 and 11,** Applicant claims an *instruction pointer* is set to a boot image in memory. In the Final Office action, the Examiner justifies rejecting this limitation by stating that it is inherent from Lay. Applicant disagrees. Applicant submits that Lay does not ever mention an instruction pointer. Applicant also submits that Lay does not use an instruction pointer because Lay instead restores physical memory, virtual memory and states of a system to return the system operation. In Applicant's invention, instructions are executed to boot the system. Thus, Applicant returns the computer to an operating state using an entirely different method than Lay.

**Regarding claims 14, 15, 19 and 20,** Applicant claims the *compressing and decompressing* feature. In the Final Office action, the Examiner relies on column 1, line 53 of Lay for a teaching of this feature. Applicant has the following comments.

Column 1, line 53 of Lay discusses another prior art invention of soft booting

where the memory is lost when powered down. Column 1, line 53 does not discuss the invention of Lay. The invention of Lay does not compress a boot image. Furthermore, Lay never suggests combining this compressed feature of the prior art with Lay's invention. Applicant submits that if Lay intended to incorporate the compressed feature into Lay's invention, Lay would have done so. The fact that Lay did not do so means that Lay did not intend to compress any data and therefore there is no teaching of combining the compressed feature with features of Lay's invention. Therefore, it was inappropriate for the Examiner to glean that the compression feature is combinable with features of Lay's invention to reject Applicant's claims. This is not what Lay intended and it is not what the Lay reference as a whole teaches.

In the Final Office action, the Examiner relies on newly cited Gharda reference for a teaching of decompressing a boot image. Applicant disagrees. Applicant submits that Gharda does not pertain to booting or boot images. Applicant therefore submits that Gharda cannot be used as a teaching of decompressing a boot image. Further, Gharda cannot be combined with Lay or Oka as Gharda does not pertain to booting or boot images. Therefore, Applicant traverses the rejection of claims 19 and 20.

No fees are incurred by the filing of this amendment.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Respectfully submitted,



Robert E. Bushnell,  
Attorney for the Applicant  
Registration No.: 27,774

1522 "K" Street N.W., Suite 300  
Washington, D.C. 20005  
(202) 408-9040

Folio: P56254  
Date: 3/28/05  
I.D.: REB/ML